

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JEEUN FRIEL, Individually and on behalf of
all others similarly situated,

Plaintiff,

-against-

DAPPER LABS, INC. and ROHAM
GHAREGOZLOU,

Defendants.

Case No. 1:21-cv-05837-VM

**DECLARATION OF KENNETH P. HERZINGER RELATING TO NOTICE UNDER 28
U.S.C. § 1715**

I, Kenneth P. Herzinger, hereby declare as follows:

1. I am a Partner of the law firm of Paul Hastings LLP, attorneys for Defendants Dapper Labs, Inc. and Roham Gharegozlou (“Defendants”) in the above-captioned action. I make this Declaration upon personal knowledge, and if asked, I could and would competently testify to these matters.

2. I supervised the distribution and service of the notice regarding settlement of the above-captioned class action on behalf of all Defendants, in accordance with the provisions of the Class Action Fairness Act, 28 U.S.C. § 1715.

3. More specifically, on June 13, 2024, I caused a notice letter to be sent to (a) the United States Department of Justice; and (b) the attorneys general of each of the fifty states and United States territories. A true and correct copy of the June 13, 2024 notice letter is attached as Exhibit A.

4. Each of the notice letters was sent via certified United States mail with a return receipt.

5. Enclosed with each notice letter was a CD, which included the following additional documents:

(a) The initial Complaint filed on May 12, 2021 in New York State Court, the First Amended Complaint filed on December 27, 2021 in this Court, and the attachments filed therewith;

(b) The Notice of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement and Memorandum of Law in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement filed on June 3, 2024;

(c) The Order Preliminarily Approving Class Action Settlement and Providing for Notice entered on June 4, 2024;

(d) The Notice of Pendency and Proposed Settlement of Class Action, Summary Notice of Pendency and Proposed Settlement of Class Action, Postcard Notice, and Proof of Claim and Release Form; and

(e) The Stipulation of Settlement.

6. As of the date of this Declaration, no recipient of the notice letters has communicated to Paul Hastings that it intends to object to the settlement reached between the parties.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 18, 2024 at San Francisco, California.

/s/ *Kenneth P. Herzinger*

Kenneth P. Herzinger
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CERTIFICATE OF SERVICE

I, Kenneth P. Herzinger, certify pursuant to 28 U.S.C. § 1746 as follows:

I am a Partner with Paul Hastings LLP, 101 California Street, Forty-Eighth Floor, San Francisco, CA 94111 and am counsel of record for Defendants Dapper Labs, Inc. and Roham Gharegozlou in this action. I hereby certify that on June 18, 2024, I caused to be filed the foregoing document entitled DECLARATION OF KENNETH P. HERZINGER RELATING TO NOTICE UNDER 28 U.S.C. § 1715 dated June 18, 2024 via the Court's ECF filing system, which will provide electronic notice of the same to all counsel of record in this action.

/s/ Kenneth P. Herzinger

Kenneth P. Herzinger